

DUNCAN MILLER

IBLA 79-586

Decided March 27, 1980

Appeal from decision of Wyoming State Office, Bureau of Land Management, holding that leases W-58106 and W-58106-A expired.

Affirmed.

1. Oil and Gas Leases: Generally -- Oil and Gas Leases: Extensions --
Oil and Gas Leases: Noncompetitive Leases

Noncompetitive oil and gas leases extended beyond their primary term pursuant to 43 CFR 3107.4-3 expire by operation of law at the end of the extension unless one of the statutory grounds for extension is established.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Duncan Miller appeals from a decision dated August 13, 1979, of the Wyoming State Office, Bureau of Land Management (BLM), which held oil and gas leases W 58106 and W 58106-A to have expired on December 9, 1978.

The subject leases were issued effective May 1, 1967, for a period of 10 years. The leases were segregated out of a unit agreement on December 9, 1976. Pursuant to 43 CFR 3107.4-3, the leases were extended through December 9, 1978, and so long thereafter as oil or gas is produced in paying quantities.

On July 29, 1979, the Geological Survey (Survey) advised BLM that the leases were not committed to a unit area and that there was no drilling activity on the land. Based upon that information BLM held the leases to have expired on December 9, 1978.

In his statement of reasons appellant does not contend that the leases are producing oil or gas in paying quantities or that they are committed to a unit agreement. Instead, appellant alleges "that there is no justification for her decision, whatsoever." He complains that a lease was erroneously issued to another person without any explanation and makes another statement which is uncomprehensible.

[1] Noncompetitive oil and gas leases are issued for a primary term of 10 years. Duncan Miller, 37 IBLA 129 (1978). The subject leases were extended beyond the primary term pursuant to 43 CFR 3107.4-3, because part of the original lease was committed to a unit agreement. To qualify for a further extension there must be actual drilling operations either on the leased land or under an approved cooperative or unit plan, commenced prior to the end of the primary term and being diligently prosecuted. 30 U.S.C. § 226(e) (1976); 43 CFR 3107.2-3; Duncan Miller, *supra*; Rio Blanco Natural Gas Company, 30 IBLA 191, 84 I.D. 198 (1977).

Appellant has offered no showing that any of the legal grounds for extending a lease exist for either lease. He has given no rational reason which would show error in the decision. Merely to say there was error does not demonstrate error. Therefore, based on the record, it appears that leases W 58106 and W 58106-A expired by operation of law December 9, 1978.

Accordingly, pursuant to the authority delegated to the Board of Land appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson
Administrative Judge

We concur:

James L. Burski
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

